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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 10/786,941
Filing Date: February 24, 2004
Appellant(s): WONG, DANIEL MANHUNG

Eric Sutton (reg. 61173)
__For Appellant__

EXAMINER'S ANSWER

This is in response to the appeal brief filed 12/30/2010 appealing from the Office action mailed

07/21/2010.

(1) Real Party in Interest

A statement identifying by name the real party in interest contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings

which will directly affect or be directly affected by or have a bearing on the Board's decision in

the pending appeal.

09/167092 never went to the board of appeals but instead was allowed after a subsequent

appeal brief filed after final rejection by applicants of that case.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

Claims 1-26.

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments

after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

WITHDRAWN REJECTIONS

The following grounds of rejection are not presented for review on appeal because they have been withdrawn by the examiner. The rejections of claims 1-26 under 35 U.S.C. 112 first and second paragraph are withdrawn.

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

(8) Evidence Relied Upon

| 20050050046 | Puz et. al. | 8-2003 |
| 20030014394 | Fujiwara et. al. | 3-2001 |

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   **Claims 1-4, 6-9, 14-21, and 26 are rejected under 35 U.S.C. 102(e) as being**

anticipated by U.S. 20050050046 by Puz et. al. (hereafter Puz).

<u>**Claim 1 :**</u>

Puz discloses the following claimed limitations:

"a database server receiving a request to execute the database statement, wherein the

request includes the database statement and a tag that does not conform to a database language of

said database statement, wherein said tag is not embedded in said database statement;"[See

figure 2. Accordingly, a database server (figure 2, element 16) receiving a request (figure 2

elements 34, 36, 38) to execute the database statement (figure 2 elements 40, 42, 44), wherein

the request (figure 2 elements 34, 36, 38) includes the database statement (figure 2 elements 40,

42, 44) and a tag (figure 2 elements 46, 48, 50) that does not conform to a database language of

said database statement (figure 2, security markers not sql), wherein said tag (figure 2 element

46, 48, and 50) is not embedded in said database statement (figure 2, SQL part and security

marker)]

"wherein said tag specifies at least one parameter field and at least one parameter

value;"[figure 2 elements 46, 48, 50. Accordingly, wherein said tag (46, 48, 50) specifies at least

one parameter field (marker 1, 2, 3) and at least one parameter value (employee_3, journal_1,

none)]

"in response to receiving the request, said database server storing information from the

tag in a manner that is associated with said database statement and accessible to a tag

access mechanism:"[figure 2 and figure 3. Accordingly, in response to receiving the request

(figure 2 elements 34, 36, 38), said database server (figure 2 element 16) storing information

from the tag (figure 2 element 46, 48, 50) in a manner that is associated with said database

statement (figure 2 element 40, 42, 44) and accessible to a tag access mechanism (0030, Access

Control List checks)]

"said database server executing said database statement, wherein during execution of said

database statement said database server provides access to one or more of the at least one

parameter value through said tag access mechanism provided by said database server."[figure 2

and 4. Accordingly, said database server executing said database statement (figure 4 elements

82-86), wherein during execution of said database statement (figure 4 elements 82-86) said

database server (figure 2 element 16) provides access to one or more of the at least one

parameter value (figure 4 element 82, a marker part to a server system for processing) through

said tag access mechanism (figure 4 element 84, ACL checks on the markers) provided by said

database server (figure 2 element 16)]

Claim 2 :

Puz discloses "wherein the database statement is written in a language in which results desired

are specified by the database statement, and no procedures for obtaining the results desired are

specified by the database statement."[Figure 2 and 0029-0030. Accordingly, wherein the

database statement is written in a language in which results desired are specified by the database

statement (SQL part), and no procedures (SQL part does not contain security marker) for

obtaining the results desired are specified by the database statement (SQL part)]

Claim 3 :

Puz discloses "wherein a priority for executing the database statement is determined based on the

at least one parameter value."[Figure 2. 0027, proper access permissions. Accordingly, wherein

a priority (proper access permissions) for executing the database statement (SQL) is determined

based on the at least one parameter value (security marker)]

Claim 4 :

Puz discloses "wherein a security level is associated with the at least one parameter such that

whether the database is entitled to access a component is based on the at least one parameter."[

Figure 2. 0027, proper access permissions. Accordingly, wherein a security level (proper

access permissions) is associated with the at least one parameter (security marker) such that

whether the database is entitled to access a component is based on the at least one parameter

(access permissions)]

Claim 6 :

Puz discloses "wherein the at least one parameter is related to user context information."[figure

2. 0027, user had proper access permission. Accordingly, wherein the at least one parameter

(figure 2 element 46, 48, 50) is related to user context information (user had proper access

permission)]

Claim 7 :

Puz discloses "wherein the tag comprises an indicator of a beginning of the tag, and an indicator

of an end of the tag " [See figure 2 and figure 3. Accordingly, wherein the tag (figure 2 elements

46, 48, 50) comprises an indicator of a beginning of the tag(figure 3, "("), and an indicator of an

end of the tag (figure 3, ")")]

Claim 8 :

Puz discloses "wherein the at least one parameter value is located between the indicator of the

beginning and the indicator of the end of the tag."[figure 3. Accordingly, wherein the at least

one parameter value (figure 3 element 62, select) is located between the indicator of the

beginning (figure 3 element 62, "(") and the indicator of the end of the tag (figure 3 element 62

")")]

Claim 9 :

Puz discloses "wherein each of the at least one parameter fields comprises an indicator of a

beginning of the parameter field, followed by the parameter value, which in turn is followed by

an indicator of an end of the parameter field."[Figure 3. Accordingly, wherein each of the at

least one parameter fields (figure 3 element 62, exists) comprises an indicator of a beginning of

the parameter field (figure 3 element 62 "("), followed by the parameter value (figure 3 element

62, select), which in turn is followed by an indicator of an end of the parameter field (figure 3

element 62, ")").]

Claim 14 :

Puz discloses the following claimed limitations:

"a database server receiving a request to execute the database statement, wherein the

request includes the database statement and a tag that does not conform to a database language of

said database statement, wherein said tag is not embedded in said database statement;"[See

figure 2. Accordingly, a database server (figure 2, element 16) receiving a request (figure 2

elements 34, 36, 38) to execute the database statement (figure 2 elements 40, 42, 44), wherein

the request (figure 2 elements 34, 36, 38) includes the database statement (figure 2 elements 40,

42, 44) and a tag (figure 2 elements 46, 48, 50) that does not conform to a database language of

said database statement (figure 2, security markers not sql), wherein said tag (figure 2 element

46, 48, and 50) is not embedded in said database statement (figure 2, SQL part and security

marker)]

"wherein said tag specifies at least one parameter field and at least one parameter

value;"[figure 2 elements 46, 48, 50. Accordingly, wherein said tag (46, 48, 50) specifies at least

one parameter field (marker 1, 2, 3) and at least one parameter value (employee_3, journal_1,

none)]

"in response to receiving the request, said database server storing information from the

tag in a manner that is associated with said database statement and accessible to a tag

access mechanism:"[figure 2 and figure 3. Accordingly, in response to receiving the request

(figure 2 elements 34, 36, 38), said database server (figure 2 element 16) storing information

from the tag (figure 2 element 46, 48, 50) in a manner that is associated with said database

statement (figure 2 element 40, 42, 44) and accessible to a tag access mechanism (0030, Access

Control List checks)]

"said database server executing said database statement, wherein during execution of said

database statement said database server provides access to one or more of the at least one

parameter value through said tag access mechanism provided by said database server."[figure 2

and 4. Accordingly, said database server executing said database statement (figure 4 elements

82-86), wherein during execution of said database statement (figure 4 elements 82-86) said

database server (figure 2 element 16) provides access to one or more of the at least one

parameter value (figure 4 element 82, a marker part to a server system for processing) through

said tag access mechanism (figure 4 element 84, ACL checks on the markers) provided by said

database server (figure 2 element 16)]

Claim 15 :

Puz discloses "wherein the database statement is written in a language in which results desired

are specified by the database statement, but no procedures for obtaining the results desired are

specified by the database statement."[Figure 2 and 0029-0030. Accordingly, wherein the

database statement is written in a language in which results desired are specified by the database

statement (SQL part), but no procedures (SQL part does not contain security marker) for

obtaining the results desired are specified by the database statement (SQL part)]

Claim 16 :

Puz discloses "wherein a priority for executing the database statement is determined based on the at least one parameter value."[Figure 2. 0027, proper access permissions. Accordingly, wherein a priority (proper access permissions) for executing the database statement (SQL) is determined based on the at least one parameter value (security marker)]

Claim 18 :

Puz discloses "wherein the at least one parameter is related to user context information."[figure 2. 0027, user had proper access permission. Accordingly, wherein the at least one parameter (figure 2 element 46, 48, 50) is related to user context information (user had proper access permission)]

Claim 19 :

Puz discloses "wherein the tag comprises an indicator of a beginning of the tag, and an indicator of an end of the tag " [See figure 2 and figure 3. Accordingly, wherein the tag (figure 2 elements 46, 48, 50) comprises an indicator of a beginning of the tag(figure 3, "("), and an indicator of an end of the tag (figure 3, ")")]

Claim 20 :

Puz discloses "wherein the at least one parameter value is located between the indicator of the beginning and the indicator of the end of the tag."[figure 3. Accordingly, wherein the at least one parameter value (figure 3 element 62, select) is located between the indicator of the beginning (figure 3 element 62, "(") and the indicator of the end of the tag (figure 3 element 62 ")")]

Claim 21 :

Puz discloses "wherein each of the at least one parameter fields comprises an indicator of a

beginning of the parameter field, followed by the parameter value, which in turn is followed by

an indicator of an end of the parameter field."[Figure 3. Accordingly, wherein each of the at

least one parameter fields (figure 3 element 62, exists) comprises an indicator of a beginning of

the parameter field (figure 3 element 62 "("), followed by the parameter value (figure 3 element

62, select), which in turn is followed by an indicator of an end of the parameter field (figure 3

element 62, ")").]

Claim 26 :

Puz discloses "wherein a security level is associated with the at least one parameter such

that whether the database is entitled to access a component is based on the at least one

parameter."[Figure 2. 0027, proper access permissions. Accordingly, wherein a security level

(proper access permissions) is associated with the at least one parameter (security marker) such

that whether the database is entitled to access a component is based on the at least one parameter

(access permissions)]

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Claim Rejections - 35 USC § 103
</div>

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or
> described as set forth in section 102 of this title, if the differences between the subject
> matter sought to be patented and the prior art are such that the subject matter as a whole
> would have been obvious at the time the invention was made to a person having ordinary
> skill in the art to which said subject matter pertains. Patentability shall not be negatived
> by the manner in which the invention was made.

4.   **Claims 5, 11-13, and 22-25 rejected under 35 U.S.C. 103(a) as being unpatentable**

over U.S. 20050050046 by Puz et. al. (hereafter Puz) further in view of U.S. Patent

Application Publication 20030014394 by Fujiwara et. al. (hereafter Fujiwara).

<u>**Claim 5 :**</u>

Puz does not explicitly disclose "wherein the at least one parameter is accessible to a systems

administrator" On the other hand, Fujiwara further discloses "wherein the at least one parameter

is accessible to a systems administrator. "[figure 8 and 0044, administrator]. Both Puz and

Fujiwara are within the same field of endeavor as they are both access control systems for a

database query. It would have been obvious to a person of an ordinary skill at the time the

invention was made to have applied Fujiwara's disclosure above to the disclosure of Puz for the

purpose of allowing an access policy to be determined in order to provide for easier management

of access control to each user.

<u>**Claim 10 :**</u>

Puz does not explicitly disclose "wherein the at least one parameter value can be accessed

without accessing memory allocated to a database session, wherein the database statement was

issued within the database session". On the other hand, Fujiwara further discloses "wherein the

at least one parameter value can be accessed without accessing memory allocated to a database

session, wherein the database statement was issued within the database session"[figure 12.

Accordingly, wherein the at least one parameter value (figure 12 element 1202, c.pt_ID, i.vst)

can be accessed without accessing a session space (figure 12 element 1224, filter MD())

associated with a session window (figure 12 element 702), wherein the database statement

(figure 12 element 1202) was issued within the session window (figure 12 element 702)]. Both

Puz and Fujiwara are within the same field of endeavor as they are both access control systems

for a database query. It would have been obvious to a person of an ordinary skill at the time the

invention was made to have applied Fujiwara's disclosure above to the disclosure of Puz for the

purpose of allowing an access policy to be determined in order to provide for easier management

of access control to each user.

Claim 11 :

Puz does not explicitly disclose "wherein the at least one parameter value can be accessed

without accessing memory allocated to a database session, wherein the database statement was

issued within the database session." On the other hand, Fujiwara further discloses "wherein the

at least one parameter value can be accessed without accessing memory allocated to a database

session, wherein the database statement was issued within the database session." [figure 12.

Accordingly, wherein the at least one parameter value (Figure 12 element 1202, example..

c.PT_ID, i.VST) can be accessed (Figure 12, element 1202, Issue SQL query) without accessing

memory allocated to a database session (figure 12 element 702), wherein the database statement

was issued (figure 12 element 734, issued SQL query)within the database session (Figure 12

element 734, Report templates)] Both Puz and Fujiwara are within the same field of endeavor as

they are both access control systems for a database query. It would have been obvious to a

person of an ordinary skill at the time the invention was made to have applied Fujiwara's

disclosure above to the disclosure of Puz for the purpose of allowing an access policy to be

determined in order to provide for easier management of access control to each user.

Claim 12 :

Puz does not explicitly disclose "wherein the at least one parameter value can be accessed

without accessing memory allocated to a database session, wherein the database statement was

issued within the database session.". On the other hand, Fujiwara further discloses "wherein the

at least one parameter value can be accessed without accessing memory allocated to a database

session, wherein the database statement was issued within the database session." [figure 12.

Accordingly, wherein the at least one parameter value (Figure 12 element 1202, example..

c.PT_ID, i.VST) can be accessed (Figure 12, element 1202, Issue SQL query) without accessing

memory allocated to a database session (figure 12 element 702), wherein the database statement

was issued (figure 12 element 734, issued SQL query)within the database session (Figure 12

element 734, Report templates)] Both Puz and Fujiwara are within the same field of endeavor as

they are both access control systems for a database query. It would have been obvious to a

person of an ordinary skill at the time the invention was made to have applied Fujiwara's

disclosure above to the disclosure of Puz for the purpose of allowing an access policy to be

determined in order to provide for easier management of access control to each user.

Claim 13 :

Puz does not explicitly disclose "wherein the at least one parameter value can be accessed after a

session window has closed, wherein the database statement was issued within the session

window." On the other hand, Fujiwara further discloses "wherein the at least one parameter

value can be accessed after a session window has closed, wherein the database statement was

issued within the session window." [figure 12. Accordingly, wherein the at least one parameter

value can be accessed (figure 12 element 1202, c.PT_ID, i.VST) after a session window has

closed (figure 12 element 734), wherein the database statement was issued within the session

window (figure 12 element 734 and 1202)] Both Puz and Fujiwara are within the same field of

endeavor as they are both access control systems for a database query. It would have been

obvious to a person of an ordinary skill at the time the invention was made to have applied

Fujiwara's disclosure above to the disclosure of Puz for the purpose of allowing an access policy

to be determined in order to provide for easier management of access control to each user.

Claim 17 :

Puz does not explicitly disclose "wherein the at least one parameter is accessible to a systems

administrator" On the other hand, Fujiwara further discloses "wherein the at least one parameter

is accessible to a systems administrator. "[figure 8 and 0044, administrator]. Both Puz and

Fujiwara are within the same field of endeavor as they are both access control systems for a

database query. It would have been obvious to a person of an ordinary skill at the time the

invention was made to have applied Fujiwara's disclosure above to the disclosure of Puz for the

purpose of allowing an access policy to be determined in order to provide for easier management

of access control to each user.

Claim 22 :

Puz does not explicitly disclose "wherein the at least one parameter value can be accessed

without accessing memory allocated to a database session, wherein the database statement was

issued within the database session". On the other hand, Fujiwara further discloses "wherein the

at least one parameter value can be accessed without accessing memory allocated to a database

session, wherein the database statement was issued within the database session"[figure 12.

Accordingly, wherein the at least one parameter value (figure 12 element 1202, c.pt_ID, i.vst)

can be accessed without accessing a session space (figure 12 element 1224, filter MD())

associated with a session window (figure 12 element 702), wherein the database statement

(figure 12 element 1202) was issued within the session window (figure 12 element 702)]. Both

Puz and Fujiwara are within the same field of endeavor as they are both access control systems

for a database query. It would have been obvious to a person of an ordinary skill at the time the

invention was made to have applied Fujiwara's disclosure above to the disclosure of Puz for the

purpose of allowing an access policy to be determined in order to provide for easier management

of access control to each user.

Claim 23 :

Puz does not explicitly disclose "wherein the at least one parameter value can be accessed

without accessing memory allocated to a database session, wherein the database statement was

issued within the database session." On the other hand, Fujiwara further discloses "wherein the

at least one parameter value can be accessed without accessing memory allocated to a database

session, wherein the database statement was issued within the database session." [figure 12.

Accordingly, wherein the at least one parameter value (Figure 12 element 1202, example..

c.PT_ID, i.VST) can be accessed (Figure 12, element 1202, Issue SQL query) without accessing

memory allocated to a database session (figure 12 element 702), wherein the database statement

was issued (figure 12 element 734, issued SQL query)within the database session (Figure 12

element 734, Report templates)] Both Puz and Fujiwara are within the same field of endeavor as

they are both access control systems for a database query. It would have been obvious to a

person of an ordinary skill at the time the invention was made to have applied Fujiwara's

disclosure above to the disclosure of Puz for the purpose of allowing an access policy to be

determined in order to provide for easier management of access control to each user.

Claim 24 :

Puz does not explicitly disclose "wherein the at least one parameter value can be accessed

without accessing memory allocated to a database session, wherein the database statement was

issued within the database session.". On the other hand, Fujiwara further discloses "wherein the

at least one parameter value can be accessed without accessing memory allocated to a database

session, wherein the database statement was issued within the database session." [figure 12.

Accordingly, wherein the at least one parameter value (Figure 12 element 1202, example..

c.PT_ID, i.VST) can be accessed (Figure 12, element 1202, Issue SQL query) without accessing

memory allocated to a database session (figure 12 element 702), wherein the database statement

was issued (figure 12 element 734, issued SQL query)within the database session (Figure 12

element 734, Report templates)] Both Puz and Fujiwara are within the same field of endeavor as

they are both access control systems for a database query. It would have been obvious to a

person of an ordinary skill at the time the invention was made to have applied Fujiwara's

disclosure above to the disclosure of Puz for the purpose of allowing an access policy to be

determined in order to provide for easier management of access control to each user.

Claim 25 :

Puz does not explicitly disclose "wherein the at least one parameter value can be accessed after a

session window has closed, wherein the database statement was issued within the session

window." On the other hand, Fujiwara further discloses "wherein the at least one parameter

value can be accessed after a session window has closed, wherein the database statement was

issued within the session window." [figure 12. Accordingly, wherein the at least one parameter

value can be accessed (figure 12 element 1202, c.PT_ID, i.VST) after a session window has

closed (figure 12 element 734), wherein the database statement was issued within the session

window (figure 12 element 734 and 1202)] Both Puz and Fujiwara are within the same field of

endeavor as they are both access control systems for a database query. It would have been

obvious to a person of an ordinary skill at the time the invention was made to have applied

Fujiwara's disclosure above to the disclosure of Puz for the purpose of allowing an access policy

to be determined in order to provide for easier management of access control to each user.

(10) Response to Argument

Appellant's primarily assert the following with regard to the cited references:

**A. Page 10 of the appeal brief, Puz does not show a tag that is (a) included in a
request to execute a database statement, and (b) not embedded in the database statement.
Page 10 of the appeal brief, that the limitation is not disclosed because the claimed
embodiment features a tag that is received with the database statement even though the tag
is not embedded in the database statement and does not conform to a database language of
the database statement. Page 11 of the appeal brief, that because the security marker is a
placeholder that the security marker is embedded as a place holder in a database
statement.**

Regarding the limitations, it is disagreed that Puz does not show a tag that is (a) included in a request to execute a database statement, and (b) not embedded in the database statement. The limitation states "a database server receiving a request to execute the database statement, wherein the request includes the database statement and a tag that does not conform to a database language of said database statement, wherein said tag is not embedded in said database statement." See figure 2 of Puz. Accordingly, a database server (figure 2, element 16) receiving a request (figure 2 elements 34, 36, 38) to execute the database statement (figure 2 elements 40, 42, 44), wherein the request (figure 2 elements 34, 36, 38) includes the database statement (figure 2 elements 40, 42, 44) and a tag (figure 2 elements 46, 48, 50) that does not conform to a database language of said database statement (figure 2, security markers not sql), wherein said tag (figure 2 element 46, 48, and 50) is not embedded in said database statement (figure 2, SQL part and security marker).

In otherwords, a tag (figure 2 elements 46, 48, 50) that is (a) included in a request (figure 2 element 34, 36, 38) to execute a database statement (figure 2 elements 40, 42, 44), and (b) not embedded in the database statement (figure 2, sql part and security part; figure 4 element 80, inserted)

Regarding page 10 of the appeal brief, that the limitation is not disclosed because the claimed embodiment features a tag that is received with the database statement even though the tag is not embedded in the database statement and does not conform to a database language of the database statement, it is disagreed that Puz does not disclose this.

Appellant's specification states on paragraph 22 that a tag may be "appended to, attached to , sent with, embedded in or otherwise associated with a database statement."

Appellant's further state in the appeal brief that the tag not embedded is supported on page 4 lines 8-9 and page 5 lines 12-15 by stating that, "The tag is not embedded in said database statement. See for example, pars. 17 (tags 'appended to database statements'), 18 ('binding a tag to each database statement'), 22(tag 'appended to, attached to, sent with, embedded in or otherwise associated with database statement". In other words, not embedded in appellant's application means to "appended to, attached to , sent with, embedded in or otherwise associated with a database statement."

The security marker (tag) is received with the database statement, see figure 2 elements 46, 48, 50 and figure 4 element 80 of Puz. The security marker is inserted (e.g. appended to) the database statement and therefore not embedded as appellant's claim, see figure 2 elements 46, 48, 50 and figure 4 element 80 of Puz. Furthermore, the security marker (tag) does not conform to the database language because it must be translated see at least paragraph 38 of Puz since the security marker must be interpreted. Simply put, if the security marker were to conform then it would not need to be translated at all.

Regarding, page 10-11 that because the security marker is a placeholder that the security marker is embedded as a place holder in a database statement in paragraphs 28 and 33 of Puz et. al. In response, this is disagreed because the security marker is inserted to the database statement see figure 4 element 80; and therefore the security marker is appended to, attached to, sent with, or otherwise associated with a database statement.

Appellant's specification states on paragraph 22 that a tag may be "appended to, attached to , sent with, embedded in or otherwise associated with a database statement."

Appellant's further state in the appeal brief that the tag not embedded is supported on page 4 lines 8-9 and page 5 lines 12-15 by stating that, "The tag is not embedded in said database statement. See for example, pars. 17 (tags 'appended to database statements'), 18 ('binding a tag to each database statement'), 22(tag 'appended to, attached to, sent with, embedded in or otherwise associated with database statement". In other words, not embedded in appellant's application means to "appended to, attached to , sent with, embedded in or otherwise associated with a database statement."

The security marker is inserted to the database statement see figure 4 element 80; and therefore the security marker is appended to, attached to, sent with, or otherwise associated with a database statement.

Furthermore, the security marker does not conform to the database language because it must be translated see at least paragraph 38 of Puz since the security marker must be interpreted. Simply put, if the security marker were to conform then it would not need to be translated at all.

Lastly, even without considering Appellant's admission above in page 4 lines 8-9 and page 5 lines 12-15 of the appeal brief of what not embedded means. The Puz reference still discloses a security marker not embedded and not conforming to the database statement as can be seen in figure 2 of security marker 3, since the security marker 3 does not exist it is not embedded nor does it conform to the database statement.

B. Page 12, that the rest of the limitations " wherein said tag specifies at least one

parameter field and at least one parameter value; in response to receiving the request, said

database server storing information from the tag in a manner that is associated with said

database statement and accessible to a tag access mechanism: said database server

executing said database statement, wherein during execution of said database statement

said database server provides access to one or more of the at least one parameter value

through said tag access mechanism provided by said database server" because Puz does not

show a database server that has access to a parameter value of the tag during execution of

the database statement. That Puz does not use the security marker during execution of the

database statement. That puz replaces the security marker prior to execution of the

database statement. That the security marker is replaced before the SQL string is

submitted to the database server. That the database server in Puz does not receive the

security marker. That therefore, Puz fails to show a database server that has access to a

parameter value of the tag during execution of the database statement, as claimed, and

further could not possibly accessed any parameter values of the security marker during

execution of the database statement.

Regarding the limitations, it is respectfully disagreed that the limitions are not disclosed.

Puz discloses "wherein said tag specifies at least one parameter field and at least one

parameter value;"[figure 2 elements 46, 48, 50. Accordingly, wherein said tag (46, 48, 50)

specifies at least one parameter field (marker 1, 2, 3) and at least one parameter value

(employee_3, journal_1, none)]

"in response to receiving the request, said database server storing information from the

tag in a manner that is associated with said database statement and accessible to a tag

access mechanism:"[figure 2 and figure 3. Accordingly, in response to receiving the request

(figure 2 elements 34, 36, 38), said database server (figure 2 element 16) storing information

from the tag (figure 2 element 46, 48, 50) in a manner that is associated with said database

statement (figure 2 element 40, 42, 44) and accessible to a tag access mechanism (0030, Access

Control List checks)]

"said database server executing said database statement, wherein during execution of said

database statement said database server provides access to one or more of the at least one

parameter value through said tag access mechanism provided by said database server."[figure 2

and 4. Accordingly, said database server executing said database statement (figure 4 elements

82-86), wherein during execution of said database statement (figure 4 elements 82-86) said

database server (figure 2 element 16) provides access to one or more of the at least one

parameter value (figure 4 element 82, a marker part to a server system for processing) through

said tag access mechanism (figure 4 element 84, ACL checks on the markers) provided by said

database server (figure 2 element 16)]

Regarding Puz fails to show a database server that has access to a parameter value of the

tag during execution of the database statement, this is disagreed. Puz discloses on paragraph

0033, "at this point, the query parts 34, 36, 38, each query part including the respective SQL part

40, 42, 44 and any respective inserted security marker 46, 48, are sent to a server system (82) for

a second phase of query processing." Shown more explicitly, Puz shows, a database server

(figure 1 element 16) that has access to a parameter value (figure 4 element 84, analyzes security marker) of the tag (figure 2, security marker) during execution (paragraph 33, query processing) of the database statement (figure 2 elements 34, 36, 38).

Regarding, that Puz does not use the security marker during execution of the database statement. This is an incorrect statement because Puz does use the security marker during execution of the database statement, see at least paragraph 33 and figure 4. The query processing (i.e. execution of the database statement) uses the security marker as shown in Puz figure 4 which demonstrates the query processing procedures of Puz.

Regarding, that Puz replaces the security marker prior to execution of the database statement and that therefore the database server never access the parameters. This is incorrect because Puz discloses that the execution of the database statement occurs in figure 4 after element 72, where the query is entered into the system. The query is then processed (i.e. executed by the system) in figure 4 elements 74-86. The database server (figure 1 element 16) does have access to the parameter values (figure 4 element 84, analyzes security marker) of the tag (figure 2 security marker). That the security markers are sent to the server, and processed as seen in paragraph 33 of Puz.

Regarding, that the security marker is replaced before the SQL string is submitted to the database server, and that the database server in Puz does not receive the security marker. This is respectfully disagreed as can be seen in paragraph 33 where it states that "at this point, the

query parts 34, 36, 38, each query part including the respective SQL part 40, 42, 44 and any

respective inserted security marker 46, 48, are sent to a server system (82) for a second phase of

query processing." In other words, the security markers (tags) are received by the server (i.e.

database server). The server (i.e. database server) therefore is able to access the security markers

during query processing (i.e. execution of the database statement) because the server analyzes

the security markers (i.e. access to a parameter value of the tag) as seen in figure 4 element 84.

C.   Page 16, that Puz and Fujiwara do not disclose a tag that is (a) included in a

request to execute a database statement, and (b) not embedded in the database statement;

and further do not disclose a database server that has access to a parameter value of the

tag during execution of the database statement. And finally assert that they are not

combinable.

In response, to Puz and Fujiwara do not disclose a tag that is (a) included in a request to

execute a database statement, and (b) not embedded in the database statement, please see part A

above.

In response to Puz and Fujiwara do not disclose a database server that has access to a

parameter value of the tag during execution of the database statement, please see part B above.

In regards to the combination cannot be made, this is disagreed. Both Puz and Fujiwara

are within the same field of endeavor as they are both access control systems for a database

query. They are further within the same field of endeavor as applicant's invention. It would

have been obvious to a person of an ordinary skill at the time the invention was made to have

applied Fujiwara's disclosure above to the disclosure of Puz for the purpose of allowing an

access policy to be determined in order to provide for easier management of access control to

each user. By allowing an access policy in Fujiwara it further allows for managing better control

over Puz's security for each user access.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related

Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Michael Pham /

Examiner, Art Unit 2167

Conferees:

/John R. Cottingham/

Supervisory Patent Examiner, Art Unit 2167

/Khanh B. Pham/

Primary Examiner, Art Unit 2166